

# **EXHIBIT W**

REPUBLIC OF TURKEY

SUPREME COURT

7th CRIMINAL CHAMBER

S U P R E M E C O U R T D E C I S I O N

Registration No.: 2007/15770

Decision No.: 2010/5483

Notice (*served by the Prosecutor*) No.: 7-2006/192106

REVIEWED JUDGMENT:

COURT: Istanbul 8th High Criminal Court

DATE: 03.30.2006

NUMBER: 2006/35

ACCUSED: Ozlem OZBEK

OFFENSE: Violation of the Law No. 4389 (*now Banking Law No. 5411*)

JUDGMENT: Acquittal

APELLANT: Intervenor Counsel

OPINION IN THE NOTICE (*OF THE PROSECUTOR*): Reversal

The decision of the court of first instance was appealed. The Court File was read on the basis of the nature of the appeal, the type and duration of the penalty, and the date of the offense. The Court, on behalf of Turkish Nation, held that:

The accused, who has worked at Nisantasi Branch of AKBANK T.A.S. as Private Banking Customer Relations Manager; has sent e-mails to Karin Balikcioglu, formerly manager of the Branch and currently Representative of the Swiss Bank 'BSI' to Turkey, including account information of the customers Arda Demirciyan, Tekin Demirciyan, Esma Dilek Senyurt and Halil Emecan; has sent e-mails on 12.20.2004 to her friend Gokhan Gungorur, employee at TEB (*Bank*), including information on the number of customers and transaction volume of the Branch; has sent the e-mail addresses of the customers available in her address book to her private e-mail address in order to continue her contact with them, in a manner enabling third parties to learn such information. Since the assent of the account holders does not justify the act, the elements of the alleged offense as stated in Article/9 of the Law No. 4389 (*now Article 73/3 of the Banking Law No. 5411*) are present, and the decision was taken without considering these facts without a verified and lawful justification, reversal is necessary.

Thus, the reasons of the intervenor counsel for appealing the judgment are verified, and the judgment is REVERSED unanimously on 03.24.2010, according to Article 321 of the Code of Criminal Procedure No. 1412 which is applied through Article 8/1 of the Law No. 5320.